

Testimony on House Bill 2304

House Committee on Children and Seniors

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Chairman Alford and members of the Committee, thank you for this opportunity to appear before you today to discuss the provisions of House Bill (HB) 2304. The comments from the Kansas Department of Health and Environment (KDHE) will focus on aspects of the bill as they relate to existing child care statutes and regulations. KDHE believes the current regulations are consistent with the intent of the proposed bill.

HB 2304 amends K.S.A. 65-508 of the Child Care Act to include additional requirements related to infant safe sleep. As proposed, the bill amends Section 1. (d) to prohibit child care facilities from any of the following:

1. Using soft or loose bedding, including blankets in sleeping equipment or sleeping areas used by infants;
2. Allowing toys or educational devices in sleeping equipment or in sleeping area used only by infants; or
3. Placing a child in sleeping equipment or sleeping area not approved by the Secretary.

K.S.A.65-508 was previously amended in 2012 and 2014. However, the most significant revision was in 2010, as changes required KDHE to adopt additional health, safety, and supervision regulations for day care homes, child care centers, and preschools. In response, KDHE implemented new and amended regulations effective February 3, 2012, that require: training on safe sleep practices and reducing Sudden Infant Death Syndrome (SIDS) for individuals caring for children under 12 months of age, adoption of facility safe sleep practices, and increased supervision during napping.

Since 2012 child care licensing regulations for day care homes (K.A.R. 28-4-116a) and child care centers [K.A.R. 28-4-440(h)] have addressed the prohibited practices in HB 2304. Caregivers are required to complete training and follow safe sleep practices which include placing an infant on their back to nap; requiring the use of a crib/playpen; requiring that the crib/playpen be free of soft objects including pillows, quilts, heavy blankets, bumpers, and toys; and prohibiting the use of wedges or infant positioners. Cribs/playpens must be safely constructed; in good repair; appropriate to the age, height, or weight of the infant; and equipped with a firm tight-fitting mattress and a fitted sheet. In addition, regulations prohibit the use of cribs purchased before June 28, 2011, as older cribs do not meet the federal requirements under Section 104(b) of the Consumer Product Safety Improvement Act of 2008.

K.S.A. 65-508 authorizes KDHE to develop and adopt rules and regulations for operation and maintenance of child care facilities. KDHE fully supports safe sleep practices and historically has been proactive in providing training and technical assistance to child care providers on the issue. As safe sleep guidelines continue to evolve and as recommendations change over time, it will be necessary to periodically review and update the regulations. We are fully committed to maintaining effective and contemporary regulations that reflect current research based safe sleep standards.

KDHE notes the following technical issues with the bill:

1. The term *sleeping equipment* is not defined. Current regulations only permit a crib or playpen.
2. The term *sleeping area* is not defined. It is not clear if this refers to the sleep surface of the crib/playpen or to the room where the crib/playpen is located. Current regulations include requirements for infant sleep areas in day care homes and child care centers. Without additional clarification, this could adversely impact use of space and supervision in a child care facility.

Thank you for the opportunity to appear before you. I will now stand for questions.